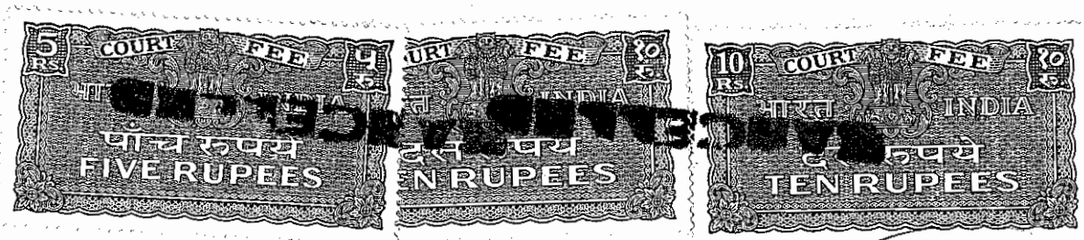
C1225.01



INTHE HIGH COURT OF MADHYAPRADESH AT JABALPUR.

WRIT PETITION NO. 900 /1996

PETITIONERS:- 1. Ravishankar Devangan son of Padumlal Devangan, occupation service, Time Keeper, SADA, Korba, R/o Nihari Talkies, Korba, Distt. Bilaspur (MP)

2. Rameshwar Prasad Rathore son of Sukhruram Rathore, Time Keeper, SADA, Korba, r/o Sakti, Tahsik Sakti, Distt. Bilaspur (MP)

VERSUS

RESPONDENT:- Special Area Development Authority (SADA), Korba through its Chief Executive Officer, Korba, District Bilaspur (M.P.)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

1. Particul[illegible]

Respondents No.2 Municipal Corpo
Through, The Com
Municipal Corpo
Saket Bhawan, K
District Korba,

(168)

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 1108 of 1996

Petitioners : Atmaram Yadav & others

Versus

Respondent : Special Area Development Authority & another

and

Writ Petition No. 900/1996

Petitioners : Ravi Shankar Devangan & another

Versus

Respondent : Special Area Development Authority & another

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri

Shri Ashish Shrivastava, counsel for the Petitioners.
Shri Sanjay K. Agrawal, counsel for the respondents

ORAL ORDER

(15th February, 2006)

1. According to the petitioners, the petitioners were employed by the respondents on contingency basis between the period from 1985-86 on different dates. Admittedly, the petitioners have been performing their duties as Time Keeper ever since, till date.

2. The petitioners have filed this petition seeking a writ in the nature of mandamus, directing the respondents to regularize the services of the petitioners on the post of Time Keeper w.e.f. their juniors were regularized, with all consequential benefits of seniority and monetary benefits. It is submitted by learned counsel for the petitioners that some regular posts of Time Keeper are still available and the respondents have created some posts of Time Keeper. Position of vacancy as on 30.10.2000 was 11.

(169)

3. Shri Sanjay K. Agrawal, learned counsel appearing for the respondents, in their return filed on 29.1.2000, has stated that in the establishment of the respondents, there were 11 sanctioned posts of Time Keeper and 9 time keepers were already working on regular basis. He further submits that there is no regular post available for regularization of the services of the petitioners, who had admittedly been working ever since the date of their appointment, on contingency basis.

4. Since the petitioners have been working for more than 20 years on contingency basis without any break in their services, they have developed legitimate expectation of regularization in the service. It is clear from the facts of the case that the respondent No. 2/Municipal Corporation, Korba requires the services of Time Keepers forever, the petitioners appointed on contingency basis are required on regular basis.

5. For the reasons stated above, the respondent No. 2 is directed to consider the cases of the petitioners in W.P. No. 1108/1996 and the petitioner No. 2 namely Rameshwar Prasad Rathore in W.P. No. 900/1996 to regularize their services on the post looking to the availability of vacancies, in accordance with law.

6. In view of the foregoing, the writ petition stands disposed of. No order as to costs.

Sd/-
SATISH K. AGNIHOTRI
Judge